

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 11, 1998**

**DIVISION FOUR**

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B116771 People v. Brown  
B119874 People v. Broom  
B120139 People v. Williams  
B120169 People v. Berry  
B124508 D.C.F.S v. Latangela M.  
B117627 People v. Scott  
B118707 People v. Moca  
B121036 Pro v. Held  
B118319 Hurst v. Barnes & Clarette  
B118602 California Maryland v. Lowe  
B119539 Abeles v. Leboeuf, Lamb, Green & MacRae

Argument waived, cause submitted.

B122233     D.C.F.S.  
              v.  
              Robert & Michelle L.

Merits:

Argued by Judith German for appellant and by Stephanie M. Davis for respondent. Cause submitted.

DIVISION FOUR (Continued)

B120052     Hokanson  
              v.  
              Hokanson

Merits:  
Argued by Emily Shappell Edelman for appellant and by Timothy M.  
O'Connor for respondent. Cause submitted.

B116459     Prince  
              v.  
              Hiss

Merits:  
Argued by Denise L. Rothwell for appellant and by James L. Seal for  
respondent. Cause submitted.

B113245     Altamimi & Goldstein  
              v.  
              National Consumer Finance Co.

Merits:  
Argued by Neal M. Goldstein for appellant and by Simon Aron for  
respondent. Cause submitted.

B121784     Garcia  
              v.  
              Strazzeri

Merits:  
Argued by Mrs. Antonio Garcia for appellant and by Richard Akemon for  
respondent. Cause submitted.

B122584     Domash  
              v.  
              Safeco Insurance Co.

Merits:  
Argued by Bruce P. Wolfe for appellant and by Henry B. LaTorraca for  
respondent. Cause submitted.

DIVISION FOUR (Continued)

B109867      Kajima  
                 v.  
                 M.T.A.

Merits:

Argued by Richard P. Chastang for appellant and by Bernard S. Kamine for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., and Jim Guzman, Deputy Clerk.

B122832      Field  
                 v.  
                 Santa Monica Rent Control Bd.

Merits:

Argued by Harold E. Griffin for appellant and by Jacqueline A. Boyd for respondent. Cause submitted.

B109188      Drain  
                 v.  
                 Betz Laboratories

Merits:

Argued by Steven M. Friedman for appellant and by Henry J. Josefsberg for respondent. Cause submitted.

B114810      Grant-Martinez  
                 v.  
                 Huges Aircraft

Merits:

Argued by Clifford B. Scherer for appellant and by John P. LeCrone for respondent. Cause submitted.

DIVISION FOUR (Continued)

B119036     Whylie  
              v.  
              City of Los Angeles

Merits:  
Argued by Renee J. Laurents for appellant and by Douglas W. Davis for respondent. Cause submitted.

B115231     People  
              v.  
              Martinez

Merits:  
Argued by Joseph Novotney for appellant and by Michael C. Keller for respondent. Cause submitted.

B111577     Nguyen  
              v.  
              Tran

Merits:  
Argued by Dale E. Washington for appellant and by Randall J. Khantamour for respondent. Cause submitted.

B114533     Foothill Village Homeowners  
              v.  
              Bishop

Merits:  
Argued by Robert D. Hillshafer for appellant and by Alan M. Insul for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B110080      James M. Dale      (Not for Publication)  
                 v.  
                 Louise Danae Dale

The judgment is modified to delete the accrual of rent for Louise Dale's occupancy of the family residence from December 19, 1996. As modified, the judgment is affirmed. The parties are to bear their own costs on appeal.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                 Godoy Perez, J.

B122450      Joanne Gonzalez      (Not for Publication)  
                 v.  
                 City of Claremont

The judgment is affirmed. Gonzalez is to pay defendants' costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                 Godoy Perez, J.

B117777      People      (Not for Publication)  
                 v.  
                 Jose Heriberto Cervantes

The judgment is modified to reflect a full four-year middle term for the firearm use enhancement as to count 2. Defendant's aggregate sentence is increased to two consecutive life sentences consecutive to a determinate term of 17 years. A \$200 restitution fine pursuant to Penal Code section 1202.45 is imposed but suspended. The abstract of judgment is further modified to reflect a three-year term for the great bodily injury enhancement. This modification is clerical in nature and does not affect the aggregate sentence. As modified, the judgment is affirmed.

Grignon, J.

We concur:    Turner, P.J.  
                 Godoy Perez, J.

## DIVISION FIVE (Continued)

B113282      The People      (Certified for Publication)  
v.  
Duz-Mor Diagnostic Laboratory, Inc. et al.,

The judgment is affirmed insofar as it determines that Duz-Mor did not violate the Unfair Competition Act through either the offer of discounts to physicians' private-pay patients or through use of the "unbundled" billing system, and that Duz-Mor did not violate the False Claims Act through use of the "unbundled" billing system. The judgment is reversed insofar as it determines that Duz-Mor did not violate the Unfair Competition Act through the payment of commissions for marketing services. The case is remanded to the trial court for further proceedings consistent with this opinion. Each party to bear its own costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.

B119188      Peggie R. Walker      (Not for Publication)  
v.  
Los Angeles County Metropolitan Transportation Authority

The judgment is affirmed. Respondents to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.

## DIVISION FIVE (Continued)

B116523      People                                  (Not for Publication)  
v.  
Juan Hernandez

Appellant's motion to recall remittitur is granted. The remittitur issued on November 5, 1998, is recalled. Rehearing is hereby granted and the opinion originally filed herein on September 3, 1998, is ordered refiled effective the date of this order.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.